

1910. FINLAND—LANDT DNG. Humble Petition to H.I.M. the Emperor of Russia. May 26, 1910.

DK
451
.8
R9
F51++
1910



DK

451

.8

R9 F51++

1910

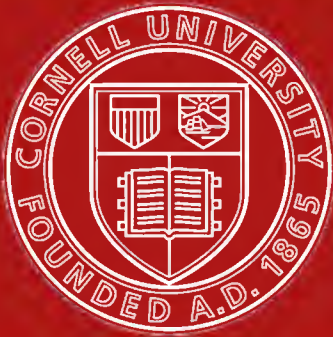
Cornell University Library	
THE GIFT OF	
Theodore Stanton	
A.257550	12/X/11

Cornell University Library
DK 451.8.R9F51 1910

Humble petition of the Diet of Finland t



3 1924 028 480 006 oln,eye2



Cornell University
Library

The original of this book is in
the Cornell University Library.

There are no known copyright restrictions in
the United States on the use of the text.

<http://www.archive.org/details/cu31924028480006>

THE
HUMBLE PETITION
OF THE
DIET OF FINLAND

TO
H.I.M. THE EMPEROR OF RUSSIA,
GRAND DUKE OF FINLAND,

May 26th, 1910.

TRANSLATED FROM THE SWEDISH.
V.

A.257550

THE HUMBLE PETITION OF THE DIET OF FINLAND WITH
REFERENCE TO VARIOUS PROPOSALS IN THE DIET
HAVING A BEARING UPON THE MAINTENANCE OF THE
FUNDAMENTAL LAWS OF FINLAND.

MOST POWERFUL AND MOST GRACIOUS EMPEROR AND
GRAND DUKE !

The Diet regards it as its imperative duty to interpret to your Imperial Majesty the anxiety which weighs heavily on the people of Finland at the present juncture. The Diet petitions most humbly that your Imperial Majesty may be graciously pleased to consider the following statement of the difficulties that are overwhelming the national life of Finland, and of the dangers that threaten the future of this country.

Under the present political régime the Finnish people have been compelled to see their fundamental laws ignored and their efforts at reform frustrated. This régime was initiated by the Protocol drawn up by the Imperial Council of Ministers, and graciously sanctioned on the 2nd June (20th May), 1908, which contains the provisions concerning the procedure for the treatment of such Finnish affairs as affect the interests of Russia. The incompatibility of these provisions with the Constitution of Finland has been demonstrated by the Finnish Diet in various humble representations, and their injurious character has been accentuated by the fact that the Council of Ministers did not, as presupposed in the above-mentioned Protocol, confine itself to expressing its opinion on the very few matters which might be said to bear upon Imperial interests, but occupied itself also with questions which provided no connection whatever between the interests of Finland and Russia. It is unavoidable that errors and mistakes should arise, both in legal and practical matters, when the supreme disposal of Finnish affairs is based upon information given by an institution which stands outside the organization of the Finnish Government, and which cannot possess the requisite knowledge of the laws of Finland, or of the various phenomena occurring in her social life, or of the aspirations and needs which should be taken into consideration when investigating legislative and administrative proposals.

The serious consequences of the interference of the Council of Ministers in Finnish affairs are confirmed by numerous facts. Appendix I.* to this humble Petition contains firstly a summary of the measures, dating from the period in question, that conflict with Finland's fundamental laws. The most important are :—

The above-mentioned provisions of 2nd June (20th May), 1908, concerning the procedure for the treatment of Finnish affairs which affect Imperial interests.

The gracious Rescript of September 6th (24th August), 1909, to the Governor-General concerning matters relating to legislation of an administrative character, etc.

The gracious Manifesto of 7th October (24th September), 1909, containing a declaration that the question of the performance of military duty by the population of Finland shall be settled by Imperial legislation and that the inhabitants of Finland

* Not translated.

shall, until further notice, be exempted from the performance of personal military duty, while instead the Finnish State Treasury shall pay a certain contribution to the Russian Imperial Treasury for military purposes.

The publication in Finland of Russian Ordinances concerning the administration of troops during time of war, the administration of fortresses, the declaring of places as being under martial law.

A Resolution of the Russian Council of Ministers, graciously sanctioned on 30th September (17th September), 1909, by which the general control of the Finnish State railways, in respect of their being so equipped that the rolling stock of the Imperial railways may be used on them without hindrance, shall depend upon the Minister of Communications, and he shall be entitled to demand that supplies be granted for this purpose in the Finnish Budget.

The Gracious Manifesto of 27th March (14th March), 1910, according to which the Duma and the Imperial Council, but not the Finnish Diet, should consider, with the right of decision, a legislative proposal respecting the procedure for drawing up laws and ordinances of general Imperial interest which concern Finland.

In the Appendix, legal acts are quoted which prove that deviations from fundamental laws have taken place in connection with each of the above-mentioned measures, and also with regard to various other enactments.

The same Appendix further contains a statement of those matters which, in consequence of the interference of the Council of Ministers in Finnish legislative questions, have not been brought to a final settlement, although they aimed at necessary reforms, and although gracious propositions concerning a number of these questions had already at an earlier date been sanctioned by Your Imperial Majesty. Among legislative proposals that have thus been disregarded or delayed, the Diet considers it necessary specially to emphasize here legislative proposals concerning the right of the Diet to investigate the legality of the official acts of the members of the Government, the freedom of the press, associations, industries, labour exchanges, the introduction of universal education, facilities for the acquisition of land by the non-landowning rural population, the surveying and taxation of land, alterations in the forest law.

It is also noteworthy that several legislative proposals, adopted by the Diet as far back as 1908 on the basis of gracious propositions, have not yet been reported to Your Imperial Majesty; this is also the case with certain important municipal ordinances adopted by the same Diet as a result of motions brought forward, which, as was expressed by the later Diet of 1909 to Your Imperial Majesty, provide for a necessary and urgently needed extension of the communal franchise. Similarly many petitions brought forward by the Diet of the same year concerning measures of a generally useful character have not yet been submitted to Your Imperial Majesty's gracious examination. The delays in question have partly been due to the fact that the earlier procedure, according to which all representations coming from the Diet to the Secretary of State were immediately forwarded to the Senate for the expression of its opinion, has now been abandoned.

In the sphere of State Finance the influence of the Council of Ministers has been no less injurious than in that of legislation. As explained in Appendix II.* to this humble petition, this influence has had the following results, among others :

* Not translated.

That the confirmation of the State proposals for 1909 was so delayed that it only took place on 1st January 1910, causing the Budget throughout the year 1909 to have a provisional character, with injury to several social interests.

That the enactment in Section 26 of the Diet's Procedure, according to which the proposition concerning the procuring of means for those requirements for which the ordinary public revenue does not suffice, together with the accompanying estimate of the ordinary supplies and requirements of the Public Treasury, should be referred to every ordinary Diet at the beginning of its session, could not be observed in 1909, since these important documents only reached the Diet when two-thirds of the session had elapsed, nor again in 1910, when they were likewise referred to the Diet only towards the close of the session.

That an unconstitutional conception of the relationship between the rights of the Monarch and the Diet in financial affairs was introduced into the gracious examination of a number of questions of supply and stamp duty, especially those bearing upon subventions to the Imperial Treasury.

That a number of special grants for national schools and other educational objects, assented to by the Diet in 1908, were excluded from the Budget proposals.

That a number of questions bearing on the Communications Fund and railway construction were settled in a way foreign to normal procedure.

That various grants, the necessity of which was certified in representations made by the Senate, were rejected, though such rejection was not necessitated by insufficiency of revenue ; the consequence of this action being that renewed humble representations concerning a great number of grants affected could not be avoided ; and that these grants, when graciously assented to, had to be charged outside the Budget proposals.

The numerous facts above cited, which together with necessary commentaries are summarised in the appendices quoted, constitute a proof that the treatment of Finnish affairs by the Council of Ministers has been highly injurious to Finland.

Reverence for the law has from ancient times prevailed among the Finnish people, and given stability and order to its social life. Therefore the nation is deeply disquieted when the Government deviates from the fundamental laws and thus opens a way for society's worst enemies, arbitrariness and contempt for the law. In Finland, as in other countries, the work of reform at the present time must primarily be directed to a comprehensive amelioration of the legal and economic conditions that affect the position and aspirations of the numerous working class. In this connection, the fact that so-called social legislation has been obstructed has aroused serious and justifiable dissatisfaction.

For a long period the State revenue was so scanty that the Budget could only with difficulty be balanced.

During the last quarter of the preceding century, a noticeable change took place ; production, aided by co-operation between the Government and the Diet, developed rapidly, prosperity increased, and there was a corresponding expansion in the ordinary State revenue. This increase often exceeded the estimate, which fact, in conjunction with the system of raising loans for railway construction, and thus only to a small

extent using the growing surplus in the State Funds, gradually resulted in the State Funds amassing a relatively important capital. This capital was regarded as a mainstay of the State's credit and also as a reserve to be used for the advantage of the country, when occasional expenses for important purposes could not be defrayed out of the year's income. Now that the Diet meets yearly the Budget estimates can be drawn up with greater accuracy and regularity than when they provided for several financial years. The system, still followed in the State finances, under which the income and expenditure of the State are booked in certain separate funds, does not, and ought not, to prevent the realization of a complete uniformity in the Budget. According to the provisions of the fundamental laws, taxes represent a contribution to the ordinary supplies of Public Revenue, for which reason it is the province of the Diet to decide how far and to what amount such a contribution is needful. The principle that the Budget ought to be a uniform whole is thus recognised. By observing this principle and by regularity in the Budget estimates, the disposable reserves in the State Fund could, during a series of years, gradually be utilised in regulating the Budget, and thus partly lessen the need of loans for railway purposes, partly make it possible only gradually to increase the taxes in order to meet the growth of State expenses for various purposes. But the Council of Ministers has succeeded in securing the adoption of a financial policy based upon an arbitrary division of the Budget into two sharply differentiated parts : a Budget of the Government and a Budget of the Diet. The savings of Public Revenue have thus been employed in granting contributions to the Russian Imperial Treasury for military purposes, in other words, for an object which—quite apart from the question as to the funds that ought to be devoted to this purpose—belongs to those matters which can lawfully be settled only by a concordant decision of the Monarch and the Diet.

It cannot be to the advantage of the country if the Monarch, departing from former principles, disapproves of nearly all proposals for new or increased grants for general educational purposes, the fine arts, industrial schools, sanitation and medical attendance, farming and its subsidiary occupations, necessary public buildings, and many other such objects. The representations of both the Diet and the Senate in 1908 about such grants were based upon a knowledge of what was required and the possibility of calculating the resources of the public revenue. When the Council of Ministers negatived the said representations, it misused its influential position, so that difficulties were occasioned to a number of useful aspirations of Finnish culture. The obvious motive for this, namely to preserve funds in the Exchequer for transference to the Russian Imperial Treasury, must be all the more strongly condemned because such a transference cannot lawfully take place without the assent of the Diet.

The political régime which has become prevalent owing to the perpetual interference of the Russian Council of Ministers in Finland's affairs, has further had the result that the actual governing body, the Economic Department of the Senate, is now quite differently composed from what it ought to be, if it is to fulfil the duties demanded of it. The majority of its present members have never before occupied such positions or exercised functions which could have made them competent, as Members of the Finnish Senate, to serve their country efficiently in initiating legislative and financial measures, in guiding the conduct of public affairs, and in exercising judicial functions in cases of administrative jurisdiction. A knowledge of the laws of the land, of the factors that influence the interests of agriculture, industry,

commerce and shipping, of the importance of the various aspirations in the sphere of mental culture, of the complicated social problems and the means for their solution—a knowledge of all these things and the conviction based upon such knowledge which will serve to guide the methods and decisions of the members of the Government, cannot be found among persons whose previous services have not been devoted to Finland.

There is no prospect of filling the posts of Senators with competent persons, so long as a policy deviating from the fundamental laws of Finland is pursued by the Empire, and so long as the Senate of Finland is required to put into execution ordinances that conflict with the laws of the country. The interference of the Council of Ministers in the duties of the Finnish Government has disturbed the very foundations of that authority and activity which, according to the Constitution, belong to the Supreme Executive.

It need only be added that the Ordinance of 2nd June (20th May), 1908, involved an alteration in the position of the Secretary of State for Finland, which is incompatible with the principles of the Finnish Constitution and further injuriously affects the conduct of affairs.

The legal procedure of Finland would be disturbed even more than by the application of the Ordinance of 2nd June, 1908, if the legislative proposals of the President of the Council of Ministers concerning the passing of laws of general Imperial importance affecting Finland were realised. In the humble answer despatched on the seventh instant, replying to these proposals, which, together with an "Explanatory Memorial" had been handed to the Diet for the expression of its opinion, the Diet has devoted to this memorial a detailed examination. In this examination it has been shown that the proposals in question involve a thorough alteration of Finland's fundamental laws, and that the Diet, since it is its province to share (with the right of decision) in every legislative measure by which fundamental laws are altered, cannot give the expression of opinion concerning the proposals required of it in the gracious proposition. Humbly citing the grave objections that also affect the actual legislative proposals, to which the examination of the Memorial has given rise and which are set forth in the reply, the Diet thinks it is its duty here to emphasise the fact that in the Explanatory Memorial no weight is attached to the real significance of the Act of 27th March (15th March), 1809, by which the Emperor Alexander I. irrevocably confirmed the fundamental laws of Finland. Nevertheless, in these fundamental laws the procedure for the framing of laws that shall apply to Finland and command the obedience of its authorities and inhabitants is established. And neither at the above-mentioned ratification, nor in any of the more recent fundamental laws, has the Russian legislative power reserved any right to enact laws for Finland in cases where these are considered to be of general Imperial importance.

MOST POWERFUL AND MOST GRACIOUS EMPEROR AND GRAND DUKE!

Since the Diet, recognising the danger that threatens the Finnish people, appeals to Your Imperial Majesty, it is the Diet's duty openly and unreservedly to express all that is calculated to show things in their proper light. Therefore in this humble petition, the régime of the last two years has been described by means of an

exposition of facts and by a citation of the consequences of that régime. In addition to this, the Diet has thought it its duty to demonstrate briefly the character of the proposal for new legislative procedure drawn up by the President of the Council of Ministers. And with the same openness the Diet considers that it ought to express to Your Imperial Majesty its conviction that the contemplated transformation of legislative procedure cannot actually be carried out, even if—which the Diet to the very last will refuse to believe possible—it should be assented to by the Russian Chambers and subsequently sanctioned by the Monarch. A law which, without the assent of the representatives of the Finnish nation, alters the fundamental laws of Finland, cannot be regarded by the Finnish nation as valid. Every legislative measure passed in accordance with this illegal new procedure would, in the eyes of the Finnish people, be an unlawful decree without binding force for the inhabitants of this country. For, as against all the sophisms adduced by the initiators of this disastrous proposal, the truth stands fast that, for the people of Finland, no other laws are valid and binding save those that are enacted in accordance with the legislative procedure prescribed by the fundamental laws of Finland. The legal and moral conflicts that would arise if the legislative procedure now contemplated should be decided upon and applied would involve severe suffering for the inhabitants of Finland, but the fear of suffering would not justify anyone in failing in his duty to the Constitution of his country. The Finnish nation cannot relinquish its most precious possession, the right inherited from its fathers, of ordering and developing the internal affairs of the country in conjunction with the Monarch, according to those requirements arising from the needs, the disposition and the character of the people. This would not be done by any civilised nation that has awakened to self-consciousness and that understands its own character and its special historical mission.

It is inconceivable that Russia should gain by provoking, or have need to provoke, such conflicts in a country where tranquillity and order reign, where during a hundred years the population has never refused to obey any law or ordinance promulgated in due order, and over which the Emperor of Russia as Grand Duke of Finland possesses sovereign power with the far-reaching authority that the Constitution affords the Monarch. The Diet, consulting the experience of a hundred years, has seriously considered how far the independence of the Finnish legislature involves any hindrance or difficulty in the prosecution of the political functions of the Empire, when these bear upon matters that also affect Finland. Foremost among these matters are questions of foreign policy. Finland has no active share in these, and has never claimed to have any. What the Emperor decides in questions of war, peace, conventions, or alliances, is *ipso facto* binding also upon Finland. Again, in the matter of international treaties, whether of juridical or commercial import, the circumstance that Finland has different laws from Russia has sometimes necessitated the inclusion in the treaties of special stipulations in the case of Finland, but this has never, to our knowledge, caused any difficulties. Neither has it been found impracticable in the cases that have occurred to consider the interests of the whole Empire in commercial treaties, while enacting special conditions for Finland, when such were called for by valid reasons.

The laws of Finland do not offer hindrances or difficulties to the taking of Imperial defensive measures within the borders of Finland. On the contrary they contain positive enactments for the promotion of this object. Since, according to the law of expropriation, the Monarch decides how far landed property should be

surrendered for the common good, the expropriation of necessary land for the construction of fortresses, camps, rifle-ranges, etc., can always be counted upon. The quartering of Russian troops is provided for by Finnish statutes; likewise the procuring of transport conveyances for them. The law concerning private railways requires them to be placed at the disposal of the troops in time of war. The measures of the pilot service for the security of shipping by means of lighthouses, beacons, etc., have not been taken in opposition to the opinion of the Russian Ministry of Marine; the maps of the Finnish Nautical Survey are placed at the disposal of the Ministry of Marine. The Finnish Military Service Law recognises the right of the Imperial Minister of War to take cognisance of and to report to the Monarch such matters concerning the Finnish troops as do not bear upon legislation or economy. Their organisation and military training were similar to that of the Russian troops, a fact which guaranteed the possibility of co-operation with them. Experience has thus proved that the common interests in military matters can be protected even if it is Finnish law that determines the military service of Finnish citizens. It may be added that this matter, as the experience of the years 1902 to 1904 proves, cannot be successfully arranged except by Finnish law. The question of the nature and extent of Finland's obligations in the matter of defence must obviously be decided from the point of view of the Empire's interest. But it does not follow that this question could be settled by Russian legislative measures. Military service and funds cannot be exacted in Finland on any basis save that of laws that have been adopted by the Diet. For the solution of this question it is necessary to draw up such proposals as are satisfactory from a Russian point of view, and which can further be assented to by the Diet in its capacity as protector of the Finnish nation's rights and interests.

The ordering of the mutual interests of Russia and Finland in the spheres of justice, commerce, industry and shipping, has been accomplished by the issuing of corresponding Russian and Finnish laws and documents.

It has also been said that the interests of a united Russian Empire called for a limitation of Finland's rights. But since the Monarch of Russia is also the Monarch of Finland, since the sovereignty of Russia in foreign politics does not suffer any encroachment through Finland's autonomy in internal affairs, and since the maintenance and application of Finland's special Constitution does not in any respect hinder the Russian Empire from appearing and negotiating as a unified Power with Foreign States, the citing of the demand for Imperial unity cannot give even a shadow of justification to a policy that aims at the destruction of Finland's internal independence.

In consequence of this policy, which is clearly outlined in the above-mentioned explanatory memorial, it appears that an important aspect of the subject ought to be emphasized here with reference to the protection of the common interests of Russia and Finland. The Russian Empire cannot stand outside that universal law which has issued from the evolution of centuries and is recognised by all civilised communities, which ordains that existing rights shall be held sacred. It is therefore a matter of common interest that, in Russia and Finland alike, reverence for the law should be the guiding principle of every exercise of public authority. But this great Imperial interest is set aside if laws are enacted for Finland or administrative measures are taken in the country by any other procedure than those prescribed by the fundamental laws. For this reason, as well as for the other reasons stated, it appears necessary

that a different policy should be applied to Finnish affairs from that which has been recommended to Your Imperial Majesty during the last two years. The actual starting point of this policy was, as mentioned above, the Ordinance of 2nd June, 1908, concerning the procedure for the treatment of Finnish affairs affecting the interests of Russia. It is evident that the stated purpose of this Ordinance can be completely attained by, for example, Russian and Finnish officials meeting under the presidency of the Secretary of State for Finland, and together ascertaining which of the documents sent to the Secretary of State refer to matters affecting Imperial interests and consequently ought to be communicated to the Council of Ministers for the expression of its opinion. An alteration in this direction, made in due order, would lead to a return of normal relations, provided always that the proposals made by the Minister-President for a new legislative procedure are not realised, and that Your Imperial Majesty is graciously pleased to give heed to what has been set forth in this humble petition.

Through the darkness of the present time the people of Finland look back to the brighter times that have passed. The memory of the Emperor Alexander I.'s assurance, repeated by all his august successors, that the fundamental laws of the country shall be maintained lives ineffaceably in the mind of the nation. Finland's conqueror and first Russian Monarch explained the significance of this assurance when he stated that the Finnish people were raised to the rank of a nation—that they were to have internal autonomy and live under the dominion of their own laws in the enjoyment of their own Constitution, confirmed for all time. These words ring through the century, which testifies with unequivocal clearness against those misrepresentations of law and history upon which a narrow-minded political agitation has founded the doctrine that Finland has no other rights than those which Russia, in the fluctuations of politics, is willing to grant. To every unprejudiced spectator such a doctrine must appear not only to conflict with the dignity of Russia, but to involve curtailment of those special functions of government that belong to Your Imperial Majesty as Grand Duke of Finland.

Your Imperial Majesty has the power to prevent the accomplishment of the plans which threaten to destroy the most important conditions of Finland's legal security and vitality. Convinced that the exercise of the Monarch's authority in conserving law and justice will be greeted with approval throughout the wide realms of Russia, the Diet humbly requests, on the basis set forth in this petition :

That Your Imperial Majesty will graciously maintain the fundamental laws of Finland, and ordain that the measures at variance with those laws which have been passed during recent years shall be rectified or revoked.

The Diet of Finland remains, etc.

Helsingfors, 26th May, 1910.

HARRISON AND SONS,
PRINTERS,
ST. MARTIN'S LANE, LONDON, W.C.

